



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
COLUMBIA ENVIRONMENTAL FIELD OFFICE

1421 HAMPSHIRE PIKE
COLUMBIA, TENNESSEE 38401
PHONE (931) 380-3371 STATEWIDE 1-888-891-8332 FAX (931) 380-3397

May 24, 2011

Milton Beard
7500 G. Lawrence Road
Santa Fe, TN 38482

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT # 91 7108 2133 3938 7504 3313

Subject: **NOTICE OF VIOLATION**
 NPDES Permit No. TNA000068
 Maury County, TN

Dear Mr. Beard:

On May 3, 2011, I contacted you by phone to ask if your Concentrated Animal Feeding Operation (CAFO) had received any damages by the recent severe weather. You stated that the facility had received some damage to the clean water diversion devices and that the third lagoon on site was currently discharging.

On May 5, personnel from the Division of Water Pollution Control visited your facility to document the situation. Upon investigation, we noted that the third lagoon was continuing to discharge waste water down a steep hill and into a wet weather conveyance flowing toward Potts Branch.

All necessary steps must be taken immediately to avoid further discharges from the waste storage lagoons to enter the branch. Allowing a discharge of pollutants to enter waters of the state is a violation of T.C.A. §69-3-114, which states, in part:

69-3-114. Causing pollution or refusing to furnish information. – (a) it is unlawful for any person to discharge any substance into waters of the state or to place or cause any substance to be placed in any location where such substances, either by themselves or in combination with others, cause any of the damages as defined in §69-3-103(22), unless such discharge shall be due to an unavoidable accident or unless such action has been properly authorized. Any such action is declared to be a public nuisance.

This letter serves as a formal **Notice of Violation** and by copy will inform our Enforcement and Compliance Section of the violations. Violations of the *Act* may

subject you to civil penalties for each day the violation occurs or continues to occur. To avoid additional violations, you must immediately take all necessary steps to avoid the release of pollutants from this operation. The waste storage lagoons should be pumped out to create enough free board to keep the structures from discharging. All clean water devices should be evaluated, replaced, and/or repaired immediately. If you have questions concerning this correspondence, please contact me at (931) 490-3943.

Sincerely,

A handwritten signature in black ink, appearing to read "Cody Chapman". The signature is fluid and cursive, with the first name "Cody" and last name "Chapman" clearly distinguishable.

Cody Chapman
Environmental Specialist
Division of Water Pollution Control

cc: Patrick Parker, WPC Enforcement & Compliance
John McClurkan, Department of Agriculture